IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No.333 of 2007

Date of Decision: 26.9.2007

Harminder Singh

..Petitioners.

Vs.

Karan A.Singh

..Respondents.

CORAM: HON'BLE MR.JUSTICE HEMANT GUPTA

Present: Mr.Gurdial Singh, Advocate for the petitioners.

Mr.S.K.Bhanot, Sr.DAG Punjab for the respondents.

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HEMANT GUPTA, J.

The writ petition No.1042 of 1978 filed by the petitioners was allowed by this Court on 11.1.1984. In the writ petition, the petitioners have claimed promotion and seniority. The operative part of the order reads as under :

> "For the foregoing reasons, I allow this writ petition and direct that the petitioners should be treated senior to respondent No.4 and their case for promotion to the posts of Assistant should be considered on the date when Megh Raj respondent No.4 was promoted as Assistant. The petitioners shall also be entitled to any consequential relief followed from the decision taken regarding their promotion. There shall be no order to costs."

The said order was affirmed with the dismissal of LPA No.292/1984 on 17.7.1992. Even the SLP against the said order was dismissed. The Chief Engineer, Punjab PWD (B&R), Patiala has passed the

order on 28.12.2006 to give effect to the order passed by this Court whereby the petitioners have been given promotion from the dates mentioned against the names of each of the petitioner.

The grievance of the petitioners is that the direction of this Court was to grant consequential relief and such consequential relief includes the arrears of pay which the petitioners would have drawn if the petitioners would have permitted at the relevant time. The said aspect has been dealt with by the Chief Engineer in his reply dated 27.4.1997 whereby it has been pointed out that the petitioners have been given benefit of seniority and retrospective promotion from the date their junior was promoted. However, the benefit of arrears of salary on account of retrospective promotion is not admissible in view of the judgment of Hon'ble Supreme Court in **Palau Ramkrishananiah and others Vs. Union of India and another AIR 1990 SC 167.**

There is no specific direction in respect of payment of arrears of salary on account of retrospective deemed promotion. Therefore, the stand taken by the respondent in the reply that such arrears are not admissible, is possible stand in law.

In view of the said fact, I do not find any case for initiation of contempt proceedings is made out. The contempt petition stands dismissed. It shall be open to the petitioners to seek his remedy in accordance with law.

(Hemant Gupta)
Judge

26.9.2007
Meenu